

### REMARKS

Applicants request reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks.

Claims 1-10, are pending in the application, with Claims 1 and 7 being independent. Claims 1, 4, 7 and 10 have been amended herein. No new matter has been added.

Initially, Applicants acknowledge with appreciation the indication that Claim 6 contains allowable subject matter and would be allowable if rewritten in independent form. However, Claim 6 has not been amended at this time, since Applicants believe that the independent claims are allowable in their own right.

In the Office Action, Claims 7-9 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,579,096 (Saito et al.). Claims 1-5 and 10 were rejected under 35 U.S.C. § 103(a) as unpatentable over the Saito et al. patent in view of JP2002-14545A.

Independent Claims 1 and 7 are directed to an image forming apparatus, and variously recite, among other things, a controlling device for controlling a drive of said image bearing member and a drive of said intermediate transfer member (transfer carrying member as recited in Claim 7) so as to start the drive of said image bearing member after starting the drive of said intermediate transfer member (transfer carrying member) in a state that said image bearing member and said intermediate transfer member (transfer carrying member) contact each other. This feature helps to prevent image distortion caused by load fluctuation of the image bearing member, even if the image bearing member contacts the

intermediate transfer member or transfer carrying member. The cited documents fail to disclose or suggest such features of Applicants' invention.

The Saito et al. patent discloses an image cleaning apparatus. However, as shown in FIGS. 9A-9H of that patent, the photosensitive drum 1 and transfer belt 6 are separate from each other when the drive of the photosensitive drum 1 is started after the drive of the transfer belt 6 is started. According to the Saito et al. patent, the photosensitive drum 1 and transfer belt 6 are separated "to remove the toner image left on the photosensitive drum 1 and the transfer belt 6 because of jamming or mechanical trouble, and the [sic] each mechanism is driven to see if there is any abnormality in each process until the following printing operation is performed." (Saito et al., col. 6, lines 20-27.) Thus, the Saito et al. patent fails to disclose or suggest controlling a drive of an image bearing member and a drive of an intermediate transfer (or transfer carrying member) member so as to start the drive of the image bearing member after starting the drive of the intermediate transfer member (or transfer carrying member) in a state that the image bearing member and the intermediate transfer member (or transfer carrying member) contact each other, as variously recited in independent Claims 1 and 7.

JP 2002-14545A relates to an image forming device that, according to the abstract thereof, includes a separation control unit that separates a photoreceptor drum and an intermediate transfer belt. However, the JP 2002-14545A document fails to remedy at least the foregoing deficiencies in the Saito et al. patent noted above, with respect to independent Claims 1 and 7 (assuming, for the sake of argument, that the documents can even be combined as suggested in the Office Action).


For at least the foregoing reasons, Applicants submit that independent Claims 1 and 7 are patentable over the art of record.

The dependent claims also are allowable for the reasons noted above with respect to the independent claims from which they depend, as well as for the additional features that they recite. Individual consideration of the dependent claims is requested.

Applicants submit that the present application is in condition for allowance. Favorable reconsideration, withdrawal of the rejection set forth in the above-noted Office Action, and an early Notice of Allowability are requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David A. Divine", written over a horizontal line.

David A. Divine  
Attorney for Applicants  
Registration No. 51,275

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200

DAD\gmc